

IC 9-22

ARTICLE 22. ABANDONED, SALVAGED, AND SCRAP VEHICLES

IC 9-22-1

Chapter 1. Abandoned Motor Vehicles

IC 9-22-1-1

Application of chapter

Sec. 1. This chapter does not apply to the following:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (3) A vehicle located on a vehicle sale lot.
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard.
- (5) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.

As added by P.L.2-1991, SEC.10. Amended by P.L.108-2001, SEC.2.

IC 9-22-1-2

Officer defined

Sec. 2. As used in this chapter, "officer" means the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of the county police force.
- (5) An individual of an agency designated by ordinance of the fiscal body.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-3

Public agency defined

Sec. 3. As used in this chapter, "public agency" means the bureau or local agency given the responsibility by statute or ordinance for the removal, storage, and disposal of abandoned vehicles.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-4

Responsibility and liability of owner of abandoned vehicle or parts

Sec. 4. The person who owns an abandoned vehicle or parts is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-5

Discovery of possession by person other than vehicle owner

Sec. 5. When an officer discovers a vehicle in the possession of a person other than the person who owns the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-6

Notice to bureau of vehicle discovered in possession of person other than owner; search; notice to owner

Sec. 6. The bureau shall be notified within seventy-two (72) hours of the location and description of a vehicle described in section 5 of this chapter. Upon receipt of notification, the bureau shall cause a search to be made to determine and notify the person who owns the vehicle under section 20 of this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-7

Inability to determine ownership; declaring vehicle abandoned

Sec. 7. If the person who owns a vehicle cannot be determined by a search under section 20 of this chapter, the bureau shall declare the vehicle abandoned and provide for disposal under this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-8

Release to owner or lienholder of stored vehicle

Sec. 8. If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-9

Release; contents; notice by towing operators

Sec. 9. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing operator shall notify the bureau of all releases under section 8 of this chapter.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.4.

IC 9-22-1-10

Failure of owner or lienholder to appear; declaring vehicle abandoned

Sec. 10. If the person who owns or holds a lien under section 8 of this chapter does not appear and pay all costs, the bureau shall declare the vehicle abandoned and provide for disposal under this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-11

Tagging abandoned vehicle or parts

Sec. 11. An officer who finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

- (1) The date, time, officer's name, public agency, and address and telephone number to contact for information.
- (2) That the vehicle or parts are considered abandoned.
- (3) That the vehicle or parts will be removed after seventy-two (72) hours.
- (4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- (5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within seventy-two (72) hours.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.5.

IC 9-22-1-12

Officer's abandoned vehicle report; photographs

Sec. 12. If a vehicle or a part tagged under section 11 of this chapter is not removed within the seventy-two (72) hour period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-13

Disposal of vehicle or parts; retention of records and photographs by bureau

Sec. 13. (a) If in the opinion of the officer the market value of an abandoned vehicle or parts determined under section 12 of this chapter is less than:

- (1) one hundred dollars (\$100); or
- (2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance;

the officer shall immediately dispose of the vehicle to an automobile scrapyard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. The public agency disposing of the vehicle shall retain the original records and photographs for at least two (2) years.

(b) The legislative body of a municipality (as defined in IC 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under subsection (a). However, the market value established by the ordinance may not be more than five hundred dollars (\$500).

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.2.

IC 9-22-1-14

Duties of tagging officer; towing and storage of vehicle or parts

Sec. 14. If in the opinion of the officer the market value of the

abandoned vehicle or parts determined under section 12 of this chapter is at least:

- (1) one hundred dollars (\$100); or
- (2) in a municipality that has adopted an ordinance under section 13(b) of this chapter, the amount established by the ordinance;

the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage area.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.3.

IC 9-22-1-15

Discovery of vehicle abandoned on private property

Sec. 15. (a) A person who finds a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, may:

- (1) obtain the assistance of an officer under section 18 of this chapter to have the vehicle removed; or
- (2) personally arrange for the removal of the vehicle by complying with subsection (b) and section 16 of this chapter.

(b) If the person wishes to personally arrange for the removal of the vehicle, the person shall attach in a prominent place a notice tag containing the following information:

- (1) The date, time, name, and address of the person who owns or controls the private property and a telephone number to contact for information.
- (2) That the vehicle is considered abandoned.
- (3) That the vehicle will be removed after seventy-two (72) hours.
- (4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- (5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within seventy-two (72) hours.

As added by P.L.2-1991, SEC.10. Amended by P.L.130-1995, SEC.1; P.L.108-2001, SEC.3.

IC 9-22-1-16

Towing vehicle from private property

Sec. 16. (a) If after seventy-two (72) hours the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property. The towing operator shall do the following:

- (1) Contact the bureau to obtain the name and address of the person who owns the vehicle.
- (2) Deliver, by certified mail, a copy of the information

contained in the notice required under section 15 of this chapter to the person who owns the vehicle. The notice required by this subdivision must be given not later than five (5) business days after the vehicle is removed.

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

As added by P.L.2-1991, SEC.10. Amended by P.L.130-1995, SEC.2; P.L.108-2001, SEC.4.

IC 9-22-1-17

Notice to bureau given by operator towing vehicle from rental property

Sec. 17. A towing operator who tows a vehicle under section 16 of this chapter shall give notice to the public agency and bureau that the abandoned vehicle is in the possession of the towing operator.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-18

Complaint by person owning or controlling private property

Sec. 18. Upon complaint of a person who owns or controls private property that a vehicle has been left on the property for at least forty-eight (48) hours without the consent of the person who owns or controls the property, an officer shall follow the procedures set forth in sections 11 through 14 of this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-19

Abandoned vehicle report; name and address of owner or lienholder; reimbursement

Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage area under section 13, 14, or 16 of this chapter, the public agency or towing operator shall prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

- (1) The make.
- (2) The model.
- (3) The identification number.
- (4) The number of the license plate.

(b) The public agency or towing operator shall request that the bureau advise the public agency or towing operator of the name and most recent address of the person who owns or holds a lien on the vehicle.

(c) Notwithstanding section 4 of this chapter, if the public agency or towing operator fails to notify the bureau of the removal of an

abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing operator:

- (1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and
- (2) may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.6; P.L.78-2003, SEC.1.

IC 9-22-1-20

Search by bureau for owner or lienholder; notice to owner or lienholder

Sec. 20. Upon receipt of an abandoned vehicle report under section 19 of this chapter, the bureau shall do the following:

- (1) Conduct a reasonable search through the national automobile theft bureau and the state police department to determine whether the vehicle or parts have been reported as stolen.
- (2) Conduct a reasonable search of bureau records to determine the person who owns the vehicle or parts or the person who holds the lien of record.
- (3) Except as provided in subdivision (4), if a reasonable search discloses the name and address of the person who owns or holds a lien on the vehicle, mail a written notice, by first class mail, to:
 - (A) the person who owns the vehicle, with a copy to each person who holds a lien on the vehicle if the bureau disposes of the vehicle; or
 - (B) the public agency if the public agency disposes of the vehicle;

indicating that the vehicle or parts have been impounded at a certain location and must be removed within twenty (20) days after the date of mailing of the notice and advising that the vehicle or parts will be disposed of after that time. The notice must advise the person who owns or holds a lien on the vehicle that all costs incurred in removing and storing the vehicle or parts are the person's legal responsibility.

- (4) This subdivision applies only to a consolidated city or a county containing a consolidated city. If a reasonable search discloses the name and address of the person who owns or holds a lien on the vehicle, the bureau shall mail a written notice, by first class mail, to:

- (A) the person who owns the vehicle, with a copy to each person who holds a lien on the vehicle if the bureau disposes of the vehicle; or
- (B) the public agency if the public agency disposes of the vehicle;

indicating that the vehicle or parts have been impounded at a certain location and must be removed within fifteen (15) days of the date of mailing of the notice and advising that the vehicle or parts will be disposed of after that time. The notice must advise the person who owns or holds a lien on the vehicle that all costs incurred in removing and storing the vehicle or parts are the person's legal responsibility.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.4.

IC 9-22-1-21

Means of vehicle identification not available; disposal without notice

Sec. 21. If a vehicle or parts are in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the vehicle, the vehicle may be disposed of without notice.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-22

Public sale by bureau; notice

Sec. 22. (a) This section applies to the bureau.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under section 20 of this chapter, the bureau shall sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except only one (1) newspaper insertion one (1) week before the public sale is required.

(c) This subsection applies to a consolidated city or a county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice under section 20 of this chapter, the bureau shall sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except only one (1) newspaper insertion one (1) week before the public sale is required.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.5.

IC 9-22-1-23

Public sale by consolidated city, second class city, or county; notice

Sec. 23. (a) This section applies to a consolidated city, second class city, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under section 20 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property

under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice under section 20 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.6.

IC 9-22-1-24

Purchasers at public sales; bill of sale; fees; roadworthiness of vehicle

Sec. 24. A person who purchases a vehicle under section 22 or 23 of this chapter shall be furnished a bill of sale for each abandoned vehicle sold by the bureau or public agency upon paying the fee for a bill of sale under IC 9-29-7. A person who purchases a vehicle under section 22 or 23 of this chapter must:

(1) present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and

(2) pay the appropriate title fee under IC 9-29-4;

to obtain a certificate of title under IC 9-17 for the vehicle.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.7.

IC 9-22-1-25

Payment of removal, storage, and disposition costs; cost limits

Sec. 25. The costs for removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds a lien on a vehicle shall be paid from the abandoned vehicle account established under section 30 of this chapter. The charge payable by the person who owns or holds a lien on a vehicle for towing, storing, or removing an abandoned vehicle or parts may not exceed the limits established by ordinance adopted under section 30 of this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-26

Sale proceeds credited against removal, storage, and disposition costs

Sec. 26. The proceeds of sale of an abandoned vehicle or parts under section 22 or 23 of this chapter shall be credited against the costs of the removal, storage, and disposal of the vehicle.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-27

Sales by local units; deposit of proceeds; payment of public agency costs; appropriations

Sec. 27. (a) This section applies to sales of abandoned vehicles or parts by local units.

(b) The proceeds from the sale of abandoned vehicles or parts, including:

(1) charges for bills of sale; and

(2) money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles;

shall be deposited with the county treasurer or city controller and placed by the treasurer or controller in the unit's abandoned vehicle fund.

(c) The costs incurred by a public agency in administering this chapter shall be paid from the abandoned vehicle fund.

(d) The fiscal body shall annually appropriate sufficient money to the fund to carry out this chapter. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

(e) Notwithstanding subsection (d), the fiscal body of a consolidated city may transfer money from the fund.

As added by P.L.2-1991, SEC.10. Amended by P.L.85-1995, SEC.39.

IC 9-22-1-28

Sales by bureau; proceeds; transfer to motor vehicle highway fund

Sec. 28. (a) This section applies to sales of abandoned vehicles by the bureau.

(b) The proceeds from the sale of abandoned vehicles or parts shall be deposited in the abandoned vehicle fund to be established by the bureau after allocation for towing and storage charges.

(c) At the end of a state fiscal year, money deposited by the bureau in excess of thirty-seven thousand dollars (\$37,000) shall be transferred from the abandoned vehicle fund to the motor vehicle highway fund.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.8.

IC 9-22-1-29

Rules and value guidelines

Sec. 29. (a) The bureau may adopt rules under IC 4-22-2 to administer this chapter.

(b) The bureau shall adopt rules under IC 4-22-2 to establish the guidelines for determining the estimated value of the vehicles.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-30

Fiscal body procedures established by ordinance; abandoned vehicle fund

Sec. 30. (a) The fiscal body shall, by ordinance, establish procedures to carry out this chapter, including the following:

(1) The charges allowed for towing and storage of abandoned

vehicles, which shall be filed with the bureau.

(2) The means of disposition of vehicles.

(b) The fiscal body shall establish an abandoned vehicle fund for the purposes of this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-31

Public agencies; personnel, property, and towing contracts; fiscal body ordinances

Sec. 31. To facilitate the removal of abandoned vehicles or parts, a public agency may:

- (1) employ personnel;
- (2) acquire equipment, property, and facilities; and
- (3) enter into towing contracts;

for the removal, storage, and disposition of abandoned vehicles and parts. The fiscal body may, by ordinance, establish procedures to carry out this section.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-32

Liability for loss or damage to vehicle or vehicle parts

Sec. 32. The following are not liable for loss or damage to a vehicle or parts occurring during the removal, storage, or disposition of a vehicle or parts under this chapter:

- (1) A person who owns, leases, or occupies property from which an abandoned vehicle or parts are removed.
- (2) A public agency.
- (3) A towing service.
- (4) An automobile scrapyard.

As added by P.L.2-1991, SEC.10.